

DEVICE AND METHOD FOR LOADING A LUMINAL GRAFT FOR ENDOLUMINAL DELIVERY

Application No. 10/629,077

Amendment dated February 8, 2011

Reply to Final Office Action of November 26, 2010

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Final Office Action (FOA) mailed on November 26, 2010, and the references cited therewith.

Claims 26 and 52 are amended, claims 22, 25, 27-28, and 30 are canceled, claims 1-21 and 31-51 are withdrawn, and no claims are added; as a result, claims 1-21, 23-24, 26, 29, and 31-52 are now pending in this application.

Examiner Interview Summary

Applicant and Examiner Mendoza conducted a telephone interview on January 20, 2011, to discuss claim language and amendment thereof in light of the references cited in the present FOA. Although Examiner Mendoza appeared to appreciate how the amended claim language is distinguishable from the teachings of the cited references, no agreement appears to have been reached as to allowability thereof pending a search for additional references. Applicant thanks Examiner Mendoza for his time and consideration.

§ 103 Rejection of the Claims

Claims 23, 24, and 26 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin, et al. (U.S. Patent No. 6,361,637), in view of Ravenscroft (U.S. Patent No. 5,755,770), Anson (WO 97/09007), and Armstrong, et al. (U.S. Patent No. 6,827,731). Applicant respectfully traverses the rejection as follows.

Section 4 of the present FOA appears to acknowledge that the Martin reference does not teach two smaller diameter sections at an axial end of the larger diameter section. Section 6 appears to go on to state that the Martin and Ravenscroft references do not teach that both smaller diameter sections are disposed within the main section. The Armstrong reference appears to have been cited as relating to a temporary covering including a rip cord or ribbon along its length and

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does not relate to the just-presented elements. However, section 7 of the FOA appears to go on to state that the Anson reference does so and also teaches that the two smaller diameter sections are disposed with the main section prior to delivery. Insofar as this rejection applies to the claims of the present application, as currently amended, Applicant respectfully disagrees for at least the following reasons.

Applicant notes that the Anson reference appears to teach on page 1, line 13-16:

In a further aspect, the invention proposes a tubular graft comprising a tubular sheath having a branch tube which is sufficiently flexible to be inverted so as to be housed in the sheath during an insertion operation in a human or animal body, and to be redeployed as a branch after said operation.

The Anson reference appears to go on to teach, referring to Figures 4 and 5, “A tubular graft of the type described might be simply bifurcated or may have numerous smaller or larger tubes of similar construction, attached to the main tube body.” (Page 4, lines 13-15). Applicant respectfully notes that the tubular graft 13 of the type described in Figures 4 and 5 has a single branch 14 positioned along the side of the tubular graft 13 and, thus, is simply bifurcated. Applicant respectfully submits that inversion of the branch 14 along the side of the tubular graft 13 does not enable a length of the tubular graft 13 to be shortened during delivery inside a body lumen.

As such, Applicant respectfully submits that the Martin, Ravenscroft, Anson, and Armstrong references, individually or in combination, do not teach, suggest, or render obvious a rolled graft, including a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, where the graft includes a larger diameter main section and two smaller diameter sections at an axial end of the larger diameter section, where the two smaller diameter sections are both disposed within the axial end of the main section to enable a length of the rolled graft to be shortened during delivery inside a body lumen, in combination with an expansion element disposed axially within the rolled graft, further including a

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temporary covering surrounding and restraining the graft in the cylindrical configuration, where the temporary covering includes a rip cord or a ribbon along its length, such that the temporary covering is released when the rip cord or the ribbon is pulled.

In contrast, Applicant's independent claim 26, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein the two smaller diameter sections are both disposed within the axial end of the main section to enable a length of said rolled graft to be shortened during delivery inside a body lumen, in combination with an expansion element disposed axially within said rolled graft, further comprising a temporary covering surrounding and restraining said graft in said cylindrical configuration, wherein said temporary covering comprises a rip cord or a ribbon along its length, such that said temporary covering is released when the rip cord or the ribbon is pulled.

As such, Applicant respectfully submits that the Martin, Ravenscroft, Anson, and Armstrong references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 26, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended, as well as those claims that depend therefrom.

Claim 29 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin, in view of Ravenscroft, Anson, and Armstrong, as applied to claim 27 above, and further in view of Sgro (U.S. Patent No. 6,063,112). Applicant respectfully traverses the rejection as follows.

Claim 29 depends from independent claim 26. As presented above, Applicant respectfully submits that independent claim 26, as currently amended, is in condition for allowance in light of the deficiencies of the Martin, Ravenscroft,

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Anson, and Armstrong references. Applicant respectfully submits that the Sgro reference does not cure the deficiencies of the Martin, Ravenscroft, Anson, and Armstrong references. That is, the Martin, Ravenscroft, Anson, Armstrong, and Sgro references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 26, as currently amended.

Claim 52 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin, in view of Ravenscroft and Anson. Applicant respectfully traverses the rejection as follows.

Applicant's independent claim 52, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein the two smaller diameter sections are both disposed within the axial end of the main section to enable a length of said rolled graft to be shortened during delivery inside a body lumen.

As present above with regard to independent claim 26, as currently amended, Applicant respectfully submits that the Martin, Ravenscroft, and Anson references, individually or in combination, do not teach, suggest, or render obvious a rolled graft, including a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, where the graft includes a larger diameter main section and two smaller diameter sections at an axial end of the larger diameter section, where the two smaller diameter sections are both disposed within the axial end of the main section to enable a length of said rolled graft to be shortened during delivery inside a body lumen.

As referred to in section 15 of the present FOA, Applicant notes that the Martin reference appears to teach, "The device will be supplied in its longest state with shortening capability during deployment". (Col. 17, lines 35-36). However,

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Applicant respectfully submits that the Martin reference teaches no means for accomplishing such shortening.

As such, Applicant respectfully submits that the Martin, Ravenscroft, and Anson references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 52, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 52, as currently amended.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at 612-236-0126 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 8th day of

February, 2011.

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